

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF VENTURA  
VENTURA DIVISION**

**TENTATIVE RULINGS**

EVENT DATE: 09/11/2015  
JUDICIAL OFFICER: Kevin DeNoce

EVENT TIME: 08:20:00 AM

DEPT.: 43

CASE NUM: 56-2015-00462910-CU-FR-VTA  
CASE TITLE: SALIENT SEC SERV VS AGENCY ARMS LLC

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Fraud

EVENT TYPE: Demurrer (CLM)  
CAUSAL DOCUMENT/DATE FILED: Demurrer, 08/05/2015

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With respect to the below scheduled tentative ruling, no notice of intent to appear is required. If you wish to submit on the tentative decision, you may submit a telefax to Judge DeNoce's secretary, Hellmi McIntyre at 805-662-6712, stating that you submit on the tentative. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. This case has been assigned to Judge DeNoce for all purposes.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

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**The court's tentative ruling is as follows:**

Sustain with leave to amend, last time, insufficient facts as to Causes of actions 1 - Misappropriation of trade secrets, - Br of written contract - Zafra only, 7 - Br of written contract - Rai only: Plaintiff has to allege that the Ds knew that they were in receipt of trade secret information or confidential information. It does not help for Plaintiff to have a trade secret if no one else knows that P considers it to be such. See Cal Francisco Inv Corp v Vrionis (1971) 14 CA 3d 318, 321-322; CC 3426.1(b). Plaintiff to clean up the names of the Defendants in causes of action 6 and 7 as well.

Overruled as to causes of action 2 - False designation under 15 USC 1125 (a), 9 - Intentional misrepresentation - PGT and Niswander only & 10 - Omission of material fact - PGT and Niswander only. Plaintiff has adequately alleged what its trade secrets were and Ds' misrepresentation of its affiliation with P when selling copies of P's weapons for itself; P has sufficiently alleged what was said to its representative Adrien Chavez and when. PGT is alleged to be Niswander's dba so there is no necessity to allege that Niswander had authority to speak for PGT.

Motion to strike exemplary damages allegations: Denied

Third amended complaint due by 10-2-15.